

1 ENGROSSED HOUSE
2 BILL NO. 3394

By: Cargill, Brown, Jett,
Kiesel and McMullen of the
House

3
4 and

Adelson of the Senate

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8 (public buildings and public works - Department of
9 Central Services - certification program -
10 codification - effective date -
11 emergency)

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 213 of Title 61, unless there is
17 created a duplication in numbering, reads as follows:

18 A. The purpose of this section is to promote effective energy
19 and environmental standards for the construction, renovation, and
20 maintenance of public buildings in this state which will improve the
21 capacity of the state to design, build, and operate high performance
22 buildings thus creating new jobs, contributing to economic growth,
23 and increasing energy independence. To accomplish the objectives of

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1 this section, the state shall adopt construction standards for
2 public buildings that:

3 1. Optimize the energy performance of public buildings in the
4 state;

5 2. Increase the demand for environmentally preferable building
6 materials, finishes, and furnishings;

7 3. Reduce the dependence of the state on imported sources of
8 energy through buildings that conserve energy and utilize local and
9 renewable energy sources;

10 4. Protect and restore the natural resources of the state by
11 avoiding development of inappropriate building sites;

12 5. Reduce the burden on municipal water supply and treatment by
13 reducing potable water consumption;

14 6. Reduce waste generation and manage waste through recycling
15 and diversion from landfill disposal;

16 7. Establish life-cycle cost analysis as the appropriate and
17 most efficient analysis to determine the optimal performance level
18 of a building project;

19 8. Ensure that the systems of each building project are
20 designed, installed, and tested to perform according to the design
21 intent and operational needs of the building through third-party
22 postconstruction review and verification; and

23 9. Authorize the Department of Central Services to pursue
24 ENERGY STAR designation from the United States Environmental

1 Protection Agency to further demonstrate the energy independence of
2 a public building project.

3 B. For purposes of this section:

4 1. "High-performance certification program" means a public
5 building design, construction, and renovation standard which meets
6 the standards of the United States Green Building Council's
7 Leadership in Energy and Environmental Design Rating System (LEED),
8 and which:

9 a. is quantifiable, measurable, and verifiable as
10 certified by an independent third party,

11 b. reduces the operating costs of public buildings by
12 reducing the consumption of energy, water, and other
13 resources,

14 c. results in the recovery of the increased initial
15 capital costs attributable to compliance with the
16 program over a time period by reducing long-term
17 energy, maintenance, and operating costs,

18 d. improves the indoor environmental quality of public
19 buildings for a healthier work environment,

20 e. encourages the use of products harvested, created, or
21 mined within Oklahoma, regardless of product
22 certification status, and

23 f. protects the environment of Oklahoma;

24 2. a. "Public building" means a facility that:

1 (1) is constructed or renovated in whole or in part
2 with state funds or with funds guaranteed or
3 insured by a state agency and the state funds
4 constitute at least fifty percent (50%) of the
5 project cost,

6 (2) contains ten thousand (10,000) or more gross
7 square feet,

8 (3) includes a heating, ventilation, or air
9 conditioning system, and

10 (4) has not entered the design phase prior to July 1,
11 2008.

12 b. A public building shall not include:

13 (1) a building constructed or renovated with funds
14 from a public school in the state as defined in
15 Section 1-106 of Title 70 of the Oklahoma
16 Statutes, and

17 (2) a building constructed or renovated where the
18 primary purpose of the building project is for
19 the storage of archived documents;

20 3. "State agency" means any agency, board, commission, counsel,
21 court, office, officer, bureau, institution, unit division, body, or
22 house of the executive or judicial branches of state government,
23 whether elected or appointed. State agency shall include
24 institutions within The Oklahoma State System of Higher Education.

1 State agency shall not mean a public school district or technology
2 center school district; and

3 4. "Substantial renovation" means any renovation of a public
4 building the cost of which exceeds fifty percent (50%) of the
5 replacement value of the facility.

6 C. The Department of Central Services, shall adopt and update
7 from time to time a high-performance certification program.

8 D. A state agency designing, constructing, or controlling the
9 substantial renovation of a public building shall carry out the
10 design, construction, or substantial renovation so as to achieve the
11 highest performance certification attainable as certified by an
12 independent third party pursuant to the high-performance
13 certification program adopted by the Department pursuant to
14 subsection C of this section. For purposes of this subsection, a
15 certification is attainable if the increased initial costs of
16 achieving the certification, including the time value of money, can
17 be recouped from decreased operational costs within five (5) years.

18 E. If the state agency estimates that the increased initial
19 costs of achieving certification will exceed five percent (5%) of
20 the total cost of the design, construction, or substantial
21 renovation project, the Department of Central Services shall
22 specifically examine the estimate before authorizing the design,
23 construction or substantial renovation.

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1 F. If a public building undergoing substantial renovation
2 cannot achieve a high-performance certification due to either the
3 historical nature of the building or because the increased costs of
4 renovating the public building cannot be recouped from decreased
5 operational costs within five (5) years, an accredited professional
6 shall assert in writing that, as much as possible, the substantial
7 renovation was executed in a manner that is consistent with the
8 standards in the high-performance certification program adopted by
9 the Department of Central Services.

10 G. Any facility that is designed or newly constructed with
11 state funds with less than five thousand (5,000) gross square feet
12 that except for the size would be a public building subject to the
13 high-performance certification program, any minor renovation of a
14 public building, and any controlled maintenance of a public building
15 shall, as much as possible, be executed in a manner that is
16 consistent with the standards in the high-performance certification
17 program adopted by the Department of Central Services.

18 H. A public building may be exempted from complying with this
19 section upon a determination by the Department of Central Services
20 that extenuating circumstances exist such as to preclude compliance
21 with the high-performance certification program.

22 I. The Department of Central Services shall identify and seek
23 to have any public building which has been designed, constructed, or
24 renovated in accordance with the standards of the high-performance

1 certification program designated as an ENERGY STAR building by the
2 United States Environmental Protection Agency.

3 J. The Department of Central Services shall develop and
4 implement a process to monitor and evaluate the energy and
5 environmental benefits associated with designing, constructing, or
6 renovating a public building in accordance with the standards of the
7 high-performance certification program. The Department shall issue
8 an annual report regarding program guidelines, monitoring and
9 evaluation procedures, and the energy and environmental benefits
10 related to the implementation of the high-performance certification
11 program.

12 SECTION 2. This act shall become effective July 1, 2008.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 13th day of March, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate